

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31415 of 2018

Arising Out of PS.Case No. -39 Year- 2018 Thana -AMDABAD District- KATIHAR

=====

Chandan Yadav @ Chandan Kumar Yadav S/o Bharat Yadav, R/o Village
Chouk Chama, P.S.- Amadabad, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s Mr. Yogendra Kumar Singh

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 10-07-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with Amdabad
Police Station Case No. 39 of 2018 registered for the offences
under sections 341, 323, 504, 307/34 of the Indian Penal Code.

It is alleged that on the date of occurrence when the
brother of informant along with two others was returning home,
this petitioner and co-accused met them near broken Puliya where
this petitioner and co-accused brutally assaulted them. This
petitioner threw the brother of informant from the Puliya causing
head injury. The informant on information reached at the place of
occurrence and moved the victim to hospital where he died during
treatment.



It has been submitted that the petitioner had no concern with the deceased or his family members. There is delay of five days in lodging FIR. The deceased had sustained injury in road accident. The petitioner is in custody since 09.03.2018 having clean antecedent and so he deserves bail.

The learned Additional Public Prosecutor on the other hand opposed the submission.

It appears that this petitioner is named in FIR with specific allegation that he brutally assaulted the victim and two others and threw the victim from the Puliya causing head injury. The witnesses, in their statement recorded at paragraphs 6 and 21 of case diary, have stated that this petitioner assaulted them and threw the victim from the Puliya. In post mortem report, the doctor has found several injuries on the person of deceased caused by hard and blunt substance.

Considering the specific allegation of assault by this petitioner resulting death of deceased, I am not inclined to grant him bail. His bail prayer stands rejected.

(Sanjay Kumar, J)

Mahesh/-

U		T	
---	--	---	--

